

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

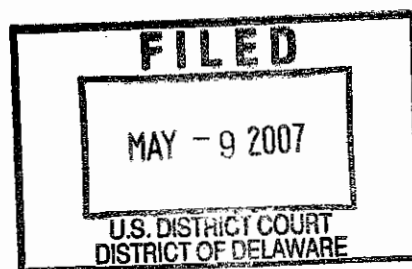
JIMMIE LEWIS

V.

CA NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL

MOTION FOR ORDER TO PREVENT DEFENDANTS
JOHNSON - MOFFETT - SAGERS - GRAY AND
DR. S. FOSTER FROM FILING SUMMARY MOTION(S)
PURSUANT TO FED R. CIV P # 56 # 1



BD scanned

DATE : 5/1/07

Jimmie Lewis
506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

- 1.) THROUGH OUT THE COURSE OF THE DISCOVERY THE DEFENDANTS DR. SYLVIA FOSTER, BRIAN JOHNSON, DAVID MOFFETT, LANCE SAGERS AND ROBERT GRAY HAVE ALL FAILED TO FACTUALLY PROVE THAT THE PLAINTIFF JIMMIE LEWIS' ~~CLAIMS~~ CLAIMS DO NOT MEET THE PRIMA FACIE CRITERIA.
- 2.) BECAUSE THE AFOREMENTIONED DEFENDANTS HAVE FAILED TO PROVE THAT THE PLAINTIFF'S CLAIMS DO NOT MEET THE PRIMA FACIE CRITERIA, IN CONJUNCTION WITH DEPOSITIONS - DISCOVERY - ADMISSIONS - INTERROGATORIES AND PLEADINGS HAVE ALREADY FACTUALLY ESTABLISHED THAT ALL OF THE PLAINTIFF'S CLAIMS DEFINE GENUINE MATERIAL ISSUES FOR TRIAL IN THIS CIVIL CASE, FOR WHICH HAS MADE THE DEFENDANTS FILING SUMMARY MOTIONS FUTILE IN FACT AND LAW, AND GIVES REASON WHY SAID DEFENDANTS HAVE FILED MOTION FOR ORDER OF ENLARGEMENT OF TIME ON OR ABOUT APRIL 23, 2007, 60 DAYS AFTER THE FEB 21, 2007 MEMORANDUM AND ORDER, FOR WHICH THE PLAINTIFF ~~MA~~ VIEWS AS A DELIBERATE ATTEMPT TO UNDERMINE THIS HONORABLE COURTS 7/28/06 AND 2/21/07 MEMORANDUMS AND ORDERS. THIS IS DUE TO THE DEFENDANTS FIRST CONSPIRING WITH EACH OTHER, (SEE DEFENDANTS 4/23/07 MOTION FOR ENLARGEMENT - OF TIME), AND THEREAFTER FILING SAID MOTION JUST ONE WEEK BEFORE THE 5/1/07 SUMMARY MOTION DEADLINE.

- 3.) DEFENDANT DR. SYLVIA FOSTER HAS FAILED TO SUBMIT ANY PLEADINGS REGARDING SUMMARY MOTION DEADLINE, AND THEREFORE THE PLAINTIFF HEREBY ASSERTS THAT HE WOULD BE PREJUDICED IF DEFENDANT DR. FOSTER WAS GRANTED THE OPPORTUNITY TO FILE SUMMARY MOTION HEREAFTER.
- 4.) THE DEFENDANTS JOHNSON - MOFFETT - SAGERS - AND GRAY HAVE NOT ONLY FAILED TO FACTUALLY VALIDATE THAT THE PLAINTIFFS' CLAIMS DO NOT MEET PRIMA FACIE CRITERIA, BUT THEY HAVE ALSO FAILED TO ARTICULATE, (WHY), AN ORDER FOR ENLARGEMENT OF TIME WOULD HELP THEM TO ARTICULATE THE REASONS IN FACT AND OR IN LAW WHY THE RELIEF AND OR ORDER THEY SEEK SHOULD BE GRANTED, HENCE SAID DEFENDANTS HAVE WAIVED THEIR OPPORTUNITY TO FILE SUMMARY MOTION DUE TO INSUFFICIENT PLEADINGS. NOTED IN THEIR MOTION FOR ENLARGEMENT OF TIME.

: RELIEF SOUGHT :

- 1.) FOR ORDER TO PREVENT THE FILING OF SUMMARY MOTION FOR DEFENDANT DR. SYLVIA FOSTER IN ALL ASPECT, DUE TO HER FAILING TO FILE ANY SORT OF RESPONSE REGARDING SUMMARY MOTION DEADLINE.
- 2.) FOR ORDER TO PREVENT THE FILING OF SUMMARY MOTION FOR DEFENDANTS JOHNSON - MOFFETT - SAGERS AND GRAY, DUE TO THE EVIDENCE WITHIN THE DEPOSITIONS, DISCOVERY - ADMISSIONS AND INTERROGATORIES AND PLEADINGS FACTUALLY ESTABLISH THAT THE PLAINTIFFS CLAIMS AGAINST THE DEFENDANTS DEFINE GENUINE ISSUES FOR TRIAL REGARDING THE MATTERS NOTED IN HIS CIVIL COMPLAINT AND
- 3.) TO ADVANCE THE TRIAL CALENDER FOR A SPEEDY TRIAL AND OR TO EXPIDITE THIS CIVIL MATTER.
- 4.) DECLATORY JUDGEMENT REGARDING CLAIMS OF U.S.C.A RIGHT VIOLATIONS AND THE PRELIMINARY INJUNCTIONS

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS
DUE HEREBY CERTIFY ON THIS 1ST, DAY OF MAY,
2007, THAT I DID MAIL ONE TRUE AND CORRECT COPY
OF MOTION FOR ORDER TO PREVENT DEFENDANTS
JOHNSON - MOFFETT - SAGERS - GRAY AND DR. S. FOSTER
FROM FILING SUMMARY MOTION(S) PURSUANT TO
FED R. CIV P # 56 # 1, BY U.S. POSTAL
TO THE FOLLOWING :

CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
844 N. KING ST, LOCKBOX 18
WILMINGTON, DEL 19801

GREGORY E. SMITH
DEPUTY ATTORNEY GENERAL
820 N. FRENCH ST, 7TH FL
WILMINGTON, DEL 19801

LOUIS RIZZO JR, ESQ
1001 JEFFERSON PLAZA
SUITE
WILMINGTON, DEL 19801

DATE : 5/1/07

Jimmie Lewis
506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

I/M Jimmy L. Smith, Attorney 2100 5155810851

SBI# 506622 UNIT CU2

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
844 N. KING ST, LOCKBOX 18
WILMINGTON, DE LAWARE
19801

